Exhibit B

Perkins, Fred

From:

Avram Frisch <frischa@avifrischlaw.com>

Sent:

Friday, June 27, 2025 4:59 PM

To:

Perkins, Fred

Cc:

Wing K. Chiu (wkc@lawmlg.com)

Subject:

Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Ross Malaga will be updating the paths of the source code. It seems like we may have given a different version than the one that it was based on. I am confirming that and will then provide the other version of the code as well.



Avram E. Frisch, Esq.
Frischa@avifrischlaw.com
1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: <u>866-883-9690</u>

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Friday, June 27, 2025 11:39 AM

To: Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

Can you please respond to my email below? Thanks.

Regards,

Fred



Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

vCard | Bio | LinkedIn

Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Perkins, Fred

Sent: Wednesday, June 25, 2025 6:27 PM **To:** Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

Can you clarify what you mean about the "waiting for the client to answer about your source code question." In item no 2 below, I raised 3 separate questions regarding source code: (i) confirmation of dates of the source code you produced, (ii) whether Dumbo has any earlier version of source code to produce, and (iii) corrected information about the 46 files/directories that were misidentified in Dumbo's First Amended Responses to Defendants' second set of interrogatories. Is Dumbo going to provide answers to all three questions and if so when?

Similarly, you have been saying the operational software will be ready to be exchanged soon, can you provide a date certain for such exchange?

Best regards,

Fred



Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

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From: Avram Frisch < frischa@avifrischlaw.com>
Sent: Wednesday, June 25, 2025 6:14 PM

To: Perkins, Fred < fhperkins@morrisoncohen.com Co: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

The operational software should be ready soon.

I am still waiting for the client to answer about your source code question. I inquired about the documents and still waiting for them to be fully paid which apparently hasn't happened yet.

Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Wednesday, June 25, 2025 5:40:06 PM **To:** Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

While I understand you were in a deposition yesterday and you indicated that would get back to me today, I have not heard anything from you regarding issues Nos. 2, 3 and 4 in my June 24th email below. If you have information regarding these issues, please provide it asap. If it would be productive to discuss any or all of these items, I am available tomorrow between 3 to 5 pm.

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

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fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch <frischa@avifrischlaw.com>

Sent: Tuesday, June 24, 2025 12:13 PM

To: Perkins, Fred <<u>fhperkins@morrisoncohen.com</u>> **Cc:** Wing K. Chiu (<u>wkc@lawmlg.com</u>) <<u>wkc@lawmlg.com</u>>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

In a deposition today. I did receive the flash drive, which was left with no signature with my 11 year old daughter. I will respond to the rest tomorrow.

Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Tuesday, June 24, 2025 12:07:44 PM **To:** Avram Frisch < frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

I have not heard back from you regarding any of the various outstanding discovery matters as follows:

- 1. You did not confirm that you received the additional encrypted flash drives of Defs' source code we sent last week, but I understand from Fed Ex they were delivered to your home as per your request. Please confirm that you did receive these drives so I can provide you with the password to access them.
- 2. I have received no response to my June 18, 2025 (11:03 am email) regarding confirmation of dates of source code you produced, that Dumbo has no earlier version of source code to produce, and the 46 files/directories that were misidentified in Dumbo's First Amended Responses to Defendants' second set of interrogatories. I have attached another copy of that email and the document listing the misidentified files/directories. Please provide written response today.
- 3. When, if at all, will Dumbo be ready to produce documents responsive to Defendants' prior document requests which were due to be exchanged on May 30, 2025? You previously advised that production was delayed because Dumbo had not paid its e-discovery vendor, which vendor would not release the documents for production until such outstanding invoices to Dumbo were satisfied. You then advised that Dumbo had satisfied such invoices, but you have still not provided any date by which Dumbo would be ready to exchange such documents. In a further effort to meet and confer, I asked you by email last Wednesday, June 18th to provide by no later than June 23rd a firm date for when Dumbo is ready to produce its documents. I heard nothing from you in response. If Defendants do not receive today a firm date for such document production, we will have no choice but to raise this issue with the Court.
- 4. Similarly, you have failed to provide a firm date by which Dumbo would be prepared to exchange access to operational software populated with test data although such exchange was scheduled for May 30th. If Defendants do not receive today a firm date for such operational software exchange, we will have no choice but to raise this issue with the Court.

I look forward to hearing from you regarding all of the above matters today and am available to meet and confer by phone/zoom as needed.

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch < frischa@avifrischlaw.com Sent: Wednesday, June 18, 2025 1:19 PM

To: Perkins, Fred < fhperkins@morrisoncohen.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Thanks. Will make sure someone is home tomorrow but if they come while I am in zoom court from 9-10 they will have to come back. At my office they were very good at showing up when I was away from my desk for a few minutes.

Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Wednesday, June 18, 2025 12:38:43 PM **To:** Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

Fed ex with the encrypted drives should be arriving at your home tomorrow at the address you provided. I'll provide the tracking number when I have it.

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

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fhperkins@morrisoncohen.com

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212.735.8600 | morrisoncohen.com

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Wednesday, June 18, 2025 12:06:26 PM **To:** Avram Frisch < frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

We provided what we believed was all the code and when it was discovered there was additional code we are providing that. Please get back to me with FIRM dates by no later than Monday June 23 when you are prepared to EXCHANGE operational software and document productions as per the courts scheduling order.

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647
fhperkins@morrisoncohen.com

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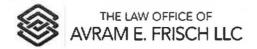
Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch <<u>frischa@avifrischlaw.com</u>>
Sent: Wednesday, June 18, 2025 12:01:09 PM
To: Perkins, Fred <<u>fhperkins@morrisoncohen.com</u>>
Cc: Wing K. Chiu (<u>wkc@lawmlg.com</u>) <<u>wkc@lawmlg.com</u>>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Yet you have not done so. You also only sent a portion of your code and it was when it was reviewed that we determined that. I am looking into the other matters, but do not have an answer yet.



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

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201-289-5352

Fax: 866-883-9690

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Wednesday, June 18, 2025 11:59 AM **To:** Avram Frisch < frischa@avifrischlaw.com

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

Yes. Those were to be exchanged and we have been ready willing and able to do so for weeks.

Fred H. Perkins

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fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com From: Avram Frisch < frischa@avifrischlaw.com > Sent: Wednesday, June 18, 2025 11:52:56 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com >

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Notably, I do not have your complete source code or operational software or documents from you.

Avi



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601

201-289-5352

Fax: 866-883-9690

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Wednesday, June 18, 2025 11:12 AM **To:** Avram Frisch < frischa@avifrischlaw.com

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

I will arrange to send three encrypted flash drives to your home address below. I will email you when I know when they are scheduled for delivery. As I explained, it would be completely inconsistent with the restrictive terms of our protective order to deliver flash drives containing highly confidential source code to any address where an authorized person could not sign for it and instead it would be somewhere where anyone might take it.

As of this Friday, it will be three weeks past the scheduled exchange date for operational software and document productions. If we cannot arrange for such exchange by early next week, then we will have no choice but to raise this issue with the Court. We hope that would not be necessary.

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

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From: Avram Frisch < frischa@avifrischlaw.com > Sent: Wednesday, June 18, 2025 11:01 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com Co: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

I don't have answers on the other issues just yet. I can tell you to send it to my home address at 1340 Mercedes St, Teaneck NJ 07666. My wife works from home so she is usually there but give me a heads up when it is coming so I can make sure. I really don't think in person signature is necessary.

Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Wednesday, June 18, 2025 10:55:39 AM **To:** Avram Frisch <<u>frischa@avifrischlaw.com</u>>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

We do have additional source code to produce. As per our protective order, we will have the source code saved on encrypted flash drives. Where would you like them sent? As per our prior discussions, this is highly sensitive confidential material and we are not going to send source code Fed Ex no signature required. Therefore, can you advise me when you would be available in your office (all day) to accept a fed ex or whether there is an alternative address you wish to send where someone would be available to receive it? alternatively, if you prefer, we can arrange for it to be picked up by your authorized agent at my offices. Please advise how you wish to proceed. I will be traveling for the rest of this week, so if you can get back to me asap, that would be ideal.

Like the prior code we produced, all of this additional code is from July 29, 2022, except the mobile app source code is from August 8, 2022.

Also, I am still awaiting your response to my email of last Thursday regarding when you will be ready to exchange operational software and our respective document productions? You advised that your client has not paid the ediscovery vendor so that should no longer be an impediment and that you would be ready soon to exchange access to software with test data. Please advise.

Page 10 of 28

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

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fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Perkins, Fred

Sent: Thursday, June 12, 2025 9:25 AM

To: Avram Frisch < frischa@avifrischlaw.com >

Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

I presumed that when you said you were told that.

Can you advise about timing for operational software exchange and document production?

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

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212.735.8600 | morrisoncohen.com

From: Avram Frisch <frischa@avifrischlaw.com>

Sent: Thursday, June 12, 2025 9:19 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

That is what Dr. Malaga told me.



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: 866-883-9690

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Thursday, June 12, 2025 9:17 AM

To: Avram Frisch < frischa@avifrischlaw.com >

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

That is not my understanding, but I'll look into your concern and get back to you. When will you be ready to exchange access to operational software soon and documents?

Regards,

Fred

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

vCard | Bio | LinkedIn

Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784

212.735.8600 | morrisoncohen.com

From: Avram Frisch <frischa@avifrischlaw.com>

Sent: Thursday, June 12, 2025 8:59 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com Cc: Wing K. Chiu (wkc@lawmlg.com >

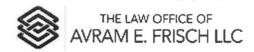
Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Fred,

I am told that the code you sent is incomplete and only includes the API and not the CRM, Foreman, and user UI components. Please provide that ASAP.

Avi



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: <u>866-883-9690</u>

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Monday, June 9, 2025 11:14 AM

To: Avram Frisch < frischa@avifrischlaw.com >

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Ok. Thanks for the update. We will need at least 2 business days' advance notice to be ready to exchange documents. Please advise when you have the documents in hand and when you will be ready to do the exchange.

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

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From: Avram Frisch < frischa@avifrischlaw.com>

Sent: Monday, June 9, 2025 11:04 AM

To: Perkins, Fred <fhperkins@morrisoncohen.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

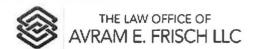
Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

I am told the fees were paid to the document storage company so hopefully will get it this week.

Avi

Fax: 866-883-9690



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601

201-289-5352

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Friday, June 6, 2025 10:29 AM

To: Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

What is your best ETA on the documents being obtained?

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

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From: Avram Frisch <frischa@avifrischlaw.com>

Sent: Friday, June 6, 2025 10:28 AM

To: Perkins, Fred <fhperkins@morrisoncohen.com>
Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.	
The documents haven't been obtained yet	
Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352	
From: Perkins, Fred <fhperkins@morrisoncohen.com> Sent: Friday, June 6, 2025 10:17:59 AM To: Avram Frisch <frischa@avifrischlaw.com> Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com> Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange</wkc@lawmlg.com></frischa@avifrischlaw.com></fhperkins@morrisoncohen.com>	
Avi,	
As previously indicated, the source code that we produced was on behalf of all Defendants. It was provided by M Plokhykh. None of the other defendants possess any copy of the source code.	lr.
Do you think you will be in a position to exchange access to the respective operational software next week?	
As requested several times in recent emails, please also update us on the status of your client's access to its pend documents to produce. Has all financial impediments to such production been addressed by your client? In orde exchange these productions, we need a timeline as to when you expect to be ready to produce.	
Thanks.	
Regards,	
Fred	
Fred H. Perkins Partner & Co-Chair, Technology, Data & IP	
D 212.735.8647 fhperkins@morrisoncohen.com	
vCard Bio LinkedIn	
Morrison Cohen LLP 909 Third Avenue, 27 th Floor, New York, NY 10022-4784 212.735.8600 morrisoncohen.com	
From: Avram Frisch < <u>frischa@avifrischlaw.com</u> > Sent: Friday, June 6, 2025 9:25 AM	

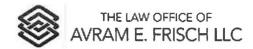
Sent: Friday, June 6, 2025 9:25 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com > Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Still working on the operational software. They are actively creating a test environment from what I understand. Wing, please confirm that your client does not possess an independent version of the source code for my client's software.



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: <u>866-883-9690</u>

From: Perkins, Fred < fhperkins@morrisoncohen.com >

Sent: Thursday, June 5, 2025 11:13 AM **To:** Avram Frisch < frischa@avifrischlaw.com

Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Understood. Please provide an update today regarding the software exchange and document production as previously requested. Thanks.

Fred H. Perkins
Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

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From: Avram Frisch < frischa@avifrischlaw.com >

Sent: Thursday, June 5, 2025 11:05 AM

To: Perkins, Fred <fhperkins@morrisoncohen.com>
Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

I don't believe that it is

Avi Frisch The Law Office of Avram E. Frisch LLC 201-289-5352

From: Perkins, Fred <fhperkins@morrisoncohen.com>

Sent: Thursday, June 5, 2025 11:02:48 AM
To: Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

Having outlook issues so sending from my phone. One question regarding your password is PW= part of the password?

Our password is mJ512@y09)51kf175HGoPe!

As to signing for fed ex packages I explained why that was necessary regarding source code Please get back to me today about the software exchange and document production status

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

vCard | Bio | LinkedIn

Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735:8600 | morrisoncohen.com

From: Avram Frisch < frischa@avifrischlaw.com>
Sent: Thursday, June 5, 2025 10:52:56 AM

To: Perkins, Fred < fhperkins@morrisoncohen.com Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Still waiting on you to send the passcode to your source code. I sent mine.



Avram E. Frisch, Esq.

Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: 866-883-9690

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Wednesday, June 4, 2025 12:51 PM **To:** Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Given the highly confidential and restricted nature of the limited access to the source code under the Court's protective order, it would not be prudent to waive signature. I'm glad to hear that you will be there tomorrow in advance of the expected delivery time which is <u>sometime before 10:30 am</u>. You can always contact Fed Ex to make sure it is delivered when you will be there.

While I understand you're in court this morning, please advise asap regarding the other issues I raised in my email below: (i) exchanging password access today; (ii) when operational software can be exchanged; and (iii) status of your access and timing for exchange of documents.

Fre

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

vCard | Bio | LinkedIn

Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch < frischa@avifrischlaw.com Sent: Wednesday, June 4, 2025 12:43 PM

To: Perkins, Fred <<u>fhperkins@morrisoncohen.com</u>> **Cc:** Wing K. Chiu (<u>wkc@lawmlg.com</u>) <<u>wkc@lawmlg.com</u>>

Subject: Re: Dumbo v. POC - May 30th scheduled discovery exchange

CAUTION: External sender. Verify before continuing.

Fred, I am in court this morning. You should have waived signature. I cannot speak to what happened to my note. I will be there tomorrow morning.

Avi Frisch

The Law Office of Avram E. Frisch LLC

201-289-5352

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Wednesday, June 4, 2025 12:36:14 PM **To:** Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC - May 30th scheduled discovery exchange

Avi,

As per our prior emails below, FedEx has again attempted delivery of the encrypted flash drives to your office, the address you designated to receive the drives, and once again, no one was there to accept the package. See below FedEx screenshot. While you indicated last friday you would leave a note on the door authorizing FedEx to leave the package in the care of your building super, who would sign for it and deliver it to you, apparently – based on the picture below when FedEx tried to deliver the package this morning – there was no such instruction left on the door. As per FedEx screen shots from tracking the package, the package is currently available to be picked up TODAY at the Fed Ex facility located at 100 Redneck Ave. I urge you once again to pick up the package from FedEx to avoid further delays.

If you are for some reason unable to pick up the package today directly from FedEx's facilities, FedEx indicates that they will make a FINAL delivery attempt on Thursday morning PRIOR to 10:30 AM. Given the court's scheduling order to EXCHANGE the flash drives on May 30th, your inability thus far to receive this important package containing encrypted source code is impeding Defendants' ability to move forward with its defense of the case. Therefore, I again request (as I did last Friday) that you provide me asap with the encrypted passwords for the flash drives I received last Friday so my experts can start their review. It is unfair that we are being delayed in so doing due to delivery issues that should not exist with a professional law office. If you were aware that no one could accept the package in your absence, then you should have effectively arranged for someone else to accept the package in your absence or have it delivered to an address where there is always someone authorized to accept the package on your behalf. As I previously explained, if you do not pick up the package or actually have someone present when FedEx tries to redeliver the package tomorrow morning, it may take a week or more in my experience for Fed Ex to return the package to my office, which would be further unacceptable delay. If that happens, I will insist that you either supply an address that will unquestionably have an authorized agent to sign for it or you can arrange for it to be picked up by you or your messenger at my offices. Again, the prejudicial impact of this delay on Defendants can be alleviated by simply giving us the password today to access the drives we received.

In addition, are you now ready to exchange access to Dumbo's and Defendants' respective operational software with test data as previously discussed and required to be done on May 30th? We remain ready, willing and able to do so.

Lastly, do you have any update on when you will be ready to exchange documents responsive to prior requests? Has your client now fully paid your e-discovery vendor's outstanding invoices so that is no longer an impediment to the document exchange required to be done on May 30th?

I look forward to hearing from you asap so all of these discovery exchange issues can be definitively addressed and resolved.

Regards,

Fred







DELIVERY DATE

You can pick up your package after at 100 REDNECK AVENUE FedEx Facility or we'll make a final attempt the next business day.

Manage delivery

DELIVERY STATUS

We tried to deliver



ADD YOUR EMAIL TO STAY UPDATED ON THIS SHIPMENT

GET UPDATES

MORE OPTIONS

TRACKING ID

881625941700 / ☆ 🖺

MorrisonCohen LLP Fred H. Perkins 909 Third Avenue New York, NY US 10022 2127358655

Label Created 5/29/25 11:06 AM

WE HAVE YOUR PACKAGE

WE TRIED TO DELIVER MOONACHIE, NJ 6/4/25 9:38 AM

> **OUT FOR DELIVERY** MOONACHIE, NJ F. 14/75 P-49 AM

We've updated the estimated delivery of your shipment.

Scheduled delivery date

Thu, 06/05/2025 Before 10:30am

Take more control of your shipments

Save delivery instructions, get picture proof of delivery, and more.

GET FEDEX DELIVERY MANAGER

Some delivery options might not be available on the day of delivery.

	Case 1:22-cv-05138-ER	Document 168-2	Filed 07/02/25	Page 21 of 28	
	Fred H. Perkins Partner & Co-Chair, Technology, D. D 212.735.8647 fhperkins@morrisoncohen.com vCard Bio LinkedIn Morrison Cohen LLP 909 Third Avenue, 27 th Floor, New 212.735.8600 morrisoncohen.com	York, NY 10022-4784			
Sent: Fric To: Avrar Cc: Wing	rkins, Fred day, May 30, 2025 4:07 PM n Frisch < <u>frischa@avifrischlaw.com</u> > K. Chiu (<u>wkc@lawmlg.com</u>) < <u>wkc@l</u> RE: Dumbo v. POC				
Avi,					
Please re	ply to email below before the end o	f your day. Thanks.			
Fred					
	Fred H. Perkins				
	Partner & Co-Chair, Technology	Data & IP			
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	Morrison Cohen LLP 909 Third Avenue, 27 th Floor, New Yo 212.735.8600 morrisoncohen.com				
Sent: Frid To: Avran Cc: Wing	rkins, Fred lay, May 30, 2025 2:58 PM n Frisch < <u>frischa@avifrischlaw.com</u> > K. Chiu (<u>wkc@lawmlg.com) <wkc@la< u=""> RE: Dumbo v. POC</wkc@la<></u>			×	
	ant arranged for Fed Ex to redeliver you securely if you will not be there		make sure some adu	It will be able to sign fo	or and
	antime, are the drives you sent encr hile FedEx redelivers what was deliv				

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647
fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch	<frischa@avifrischlaw.com></frischa@avifrischlaw.com>

Sent: Friday, May 30, 2025 2:47 PM

To: Perkins, Fred <fhperkins@morrisoncohen.com>
Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: Re: Dumbo v. POC

CAUTION: External sender. Verify before continuing.

I left a note on the door to leave it with the super. I think I am in court on Wednesday.

Avi Frisch

The Law Office of Avram E. Frisch LLC

201-289-5352

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Friday, May 30, 2025 2:34:20 PM

To: Avram Frisch < frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: RE: Dumbo v. POC

My assistant is contacting Fed Ex to see if they can redeliver to you this afternoon or Wednesday morning. It could take a week or more in my experience before the package comes back to me. I'll keep you advised.

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647

fhperkins@morrisoncohen.com

vCard | Bio | LinkedIn

Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch <frischa@avifrischlaw.com>

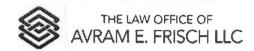
Sent: Friday, May 30, 2025 2:29 PM

To: Perkins, Fred < fhperkins@morrisoncohen.com Cc: Wing K. Chiu (wkc@lawmlg.com) < wkc@lawmlg.com>

Subject: Re: Dumbo v. POC

CAUTION: External sender. Verify before continuing.

When it gets returned to you, then you can send it again I guess. They showed up in the five minutes I took a little walk this morning.



Avram E. Frisch, Esq.

<u>Frischa@avifrischlaw.com</u>

1 University Plaza, Suite 119 Hackensack, NJ 07601
201-289-5352

Fax: 866-883-9690

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Friday, May 30, 2025 2:10 PM

To: Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: RE: Dumbo v. POC

Tracking info is below. Because of the sensitive nature, an actual signature is required to accept the package as I don't want the package to be left where someone else might get it. I presume they will seek to redeliver on Monday. Obviously, feel free to contact FedEx to make sure you will be there when they redeliver.

Fred H. Perkins

Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212.735.8600 | morrisoncohen.com

From: Avram Frisch < frischa@avifrischlaw.com>

Sent: Friday, May 30, 2025 2:01 PM

To: Perkins, Fred < fhperkins@morrisoncohen.com Cc: Wing K. Chiu (wkc@lawmlg.com > wkc@lawmlg.com >

Subject: Re: Dumbo v. POC

CAUTION: External sender. Verify before continuing.

I do not see any slip on my door. Do you have a tracking number? I am not picking it up, so ask them to waive signature.



Avram E. Frisch, Esq. Frischa@avifrischlaw.com

1 University Plaza, Suite 119 Hackensack, NJ 07601 201-289-5352

Fax: 866-883-9690

From: Perkins, Fred < fhperkins@morrisoncohen.com>

Sent: Friday, May 30, 2025 1:20 PM

To: Avram Frisch <frischa@avifrischlaw.com>

Cc: Wing K. Chiu (wkc@lawmlg.com) <wkc@lawmlg.com>

Subject: FW: Dumbo v. POC

Avi.

While I received your Fed Ex package containing the three flash drives, according to Fed Ex, no one was available at your office to sign my package. See screenshots from my assistant below. As per FedEx, you can pick up the package or have it re-delivered. Please advise how you want to proceed and email me once you have the package so we can exchange passwords.

Regards,

Fred



Partner & Co-Chair, Technology, Data & IP

D 212.735.8647 fhperkins@morrisoncohen.com

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Morrison Cohen LLP 909 Third Avenue, 27th Floor, New York, NY 10022-4784 212,735.8600 | morrisoncohen.com

From: Espada, Maria < mespada@morrisoncohen.com >

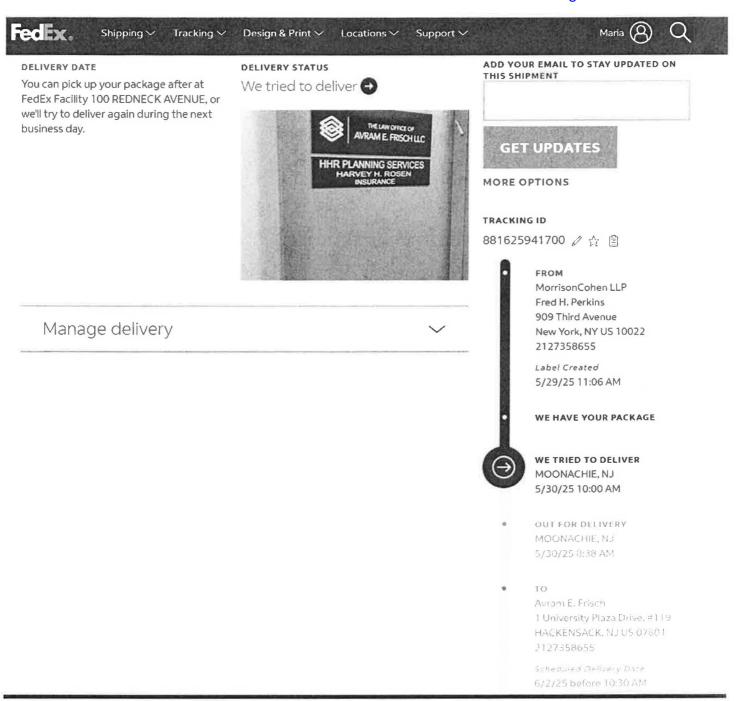
Sent: Friday, May 30, 2025 12:11 PM

To: Perkins, Fred <<u>fhperkins@morrisoncohen.com</u>> **Cc:** Espada, Maria <<u>mespada@morrisoncohen.com</u>>

Subject: RE: Dumbo v. POC

Fred,

Below is the screen shot of our delivery attempt to Avi.





Package details

WEIGHT

0.5 lbs / 0.23 kgs

TOTAL PIECES

1

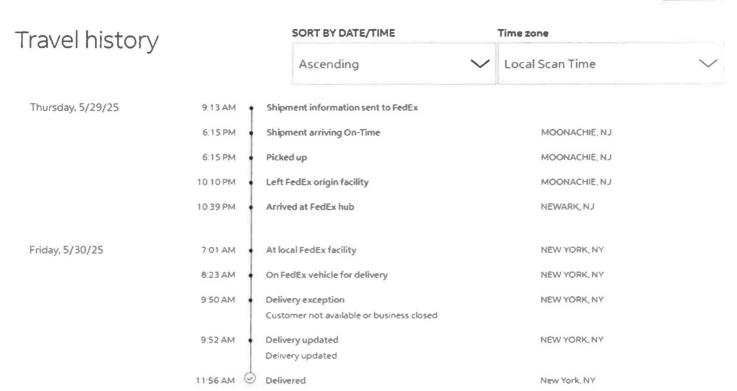
TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

PACKAGING

FedEx Envelope

1 Back to ton



↑ Back to top

Maria Espada

Administrative Assistant

D 212.735.8875 mespada@morrisoncohen.com

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